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4 **HONORABLE MARY K. DIMKE**

5  
6 **UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

7 CAMERON JAMES WILSON,

NO. 1:25-cv-03038-MKD

8  
9 Plaintiff,

10 v.

11 WASHINGTON STATE  
PATROL, DAVID  
12 SCHOENBORN, AND  
SERGEANT HOVINGHOFF,

DEFENDANTS  
WASHINGTON STATE  
PATROL, DAVID  
SCHOENBORN AND  
SERGEANT  
HOVINGHOFF'S ANSWER  
TO PLAINTIFF'S  
COMPLAINT FOR  
DAMAGES AND JURY  
DEMAND

13  
14 Defendants.

15  
16 State Defendants, in answer to ECF No. 2, Plaintiff's Amended Complaint,  
17 deny each allegation therein and all inferences therefrom, except as specifically  
18 admitted below. The paragraphs that follow answer the corresponding paragraph of  
19 the same number in the Amended Complaint.

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21  
22 DEFENDANTS WASHINGTON  
STATE PATROL, DAVID  
SCHOENBORN AND SERGEANT  
HOVINGHOFF'S ANSWER TO  
PLAINTIFF'S COMPLAINT FOR  
DAMAGES AND JURY DEMAND

## **I. INTRODUCTION**

1. Paragraph 1 contains no allegations against Defendants that they may admit or deny. To the extent Paragraph 1 is deemed to contain allegations that require a response, Defendants deny.
2. Defendants admit that on March 5, 2025, Trooper Schoenborn stopped to check whether the driver, believed to be Plaintiff in this matter, of a silver sedan parked along the shoulder of State Route 97 was in distress or needed assistance. Defendants further admit that the driver of the silver sedan exited the vehicle, appeared agitated, and approached Trooper Schoenborn while making unintelligible speech. Defendants deny all allegations in this paragraph that are not expressly admitted.
3. Defendants deny.
4. Paragraph 4 contains no allegations against Defendants that they may admit or deny. To the extent Paragraph 4 is deemed to contain allegations that require a response, Defendants deny.

## **II. JURISDICTION AND VENUE**

5. Defendants admit 28 U.S.C. § 1331 and 28 U.S.C. § 1343 provide federal district courts original jurisdiction over the actions described therein. Defendants further admit Plaintiff alleges constitutional and civil rights violations over which this Court has jurisdiction. Defendants deny all allegations in this paragraph that are not expressly admitted.

1 6. Defendants assert 28 U.S.C. § 1367(a) does not abrogate their Eleventh  
2 Amendment sovereign immunity and deny the allegations in this paragraph.

3 7. Defendants admit that Klickitat County, Washington is within the Eastern  
4 District of Washington and the events giving rise to Plaintiff's claims are  
5 alleged to occur in Klickitat County, Washington. Defendants deny all  
6 allegations in this paragraph that are not expressly admitted.

7 8. Defendants deny the allegations in this paragraph.

8 **III. PARTIES**

9 9. Defendants lack knowledge and information sufficient to form a belief about  
10 the truth of where Plaintiff resides or his status and therefor deny the  
11 allegations in this paragraph.

12 10. Defendants admit Trooper Schoenborn is a Washington State Patrol (WSP)  
13 Trooper who is employed by WSP. Defendants lack knowledge and  
14 information sufficient to form a belief about the truth of what Plaintiff  
15 considers the "times relevant to this Complaint" and therefor deny the  
16 allegations in this paragraph.

17 11. Defendants admit Sergeant Hovinghoff is a Sergeant employed by WSP.  
18 Defendants lack knowledge and information sufficient to form a belief about  
19 the truth of what Plaintiff considers the "times relevant to this Complaint"  
20 and therefor deny the allegations in this paragraph.

12. Defendants admit WSP is a department of State government created through the enactment of RCW 43.43 by the Legislature of the State of Washington. Its chief and other officers are required to exercise police powers and duties throughout the State. Defendants deny the allegations in this paragraph to the extent they contradict the plain language of RCW 43.43 and further deny all allegations in this paragraph that are not expressly admitted.

13. Defendants lack knowledge and information sufficient to form a belief about the truth of what Plaintiff considers the “times relevant to this Complaint” and therefor deny the allegations in this paragraph.

#### IV. FACTUAL ALLEGATIONS

14. Defendants incorporate their responses to the preceding paragraphs incorporated by Plaintiff as if fully set forth herein.

15. Defendants lack knowledge and information sufficient to form a belief about the truth of the averments in this paragraph and therefor deny the same.

16. Defendants lack knowledge and information sufficient to form a belief about the truth of the averments in this paragraph and therefor deny the same.

17. Defendants lack knowledge and information sufficient to form a belief about the truth of the averments in this paragraph and therefor deny the same.

18. Defendants admit that on March 5, 2025, Trooper Schoenborn stopped to check whether the driver, believed to be the Plaintiff in this matter, of a silver sedan parked along the shoulder of State Route 97 was in distress or needed

1 assistance. Defendants deny all allegations in this paragraph that are not  
2 expressly admitted.

3 19. Defendants admit that before Trooper Schoenborn came to a complete stop  
4 behind the silver sedan, the driver of the silver sedan exited the vehicle and  
5 approached Trooper Schoenborn while making unintelligible speech.  
6 Defendants deny all allegations in this paragraph that are not expressly  
7 admitted.

8 20. Defendants admit that Trooper Schoenborn activated his emergency  
9 equipment and directed the person, through gestures, to stop advancing  
10 towards him. Defendants deny all allegations in this paragraph that are not  
11 expressly admitted.

12 21. Defendants admit that Trooper Schoenborn ordered the person to get back in  
13 their car after witnessing the person repeatedly insert their hands in and out  
14 of their pockets in an effort to help control the scene and increase the safety  
15 of those at it. Defendants deny all allegations in this paragraph that are not  
16 expressly admitted.

17 22. Defendants admit that Trooper Schoenborn heard the person state “you’re  
18 not going to violate my rights today” at least once. Defendants deny all  
19 allegations in this paragraph that are not expressly admitted.  
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- 1 23. Defendants admit Trooper Schoenborn stated “What are you talking about?  
2 I am seeing if you are okay” upon exiting his patrol vehicle. Defendants deny  
3 all allegations in this paragraph that are not expressly admitted.
- 4 24. Defendants admit that Trooper Schoenborn heard the person state that they  
5 were “okay” that “you are not going to violate my rights today” and that they  
6 “did not need your services.” Defendants deny all allegations in this  
7 paragraph that are not expressly admitted.
- 8 25. Defendants admit Trooper Schoenborn directed the person to step back to  
9 their car and the person refused. Defendants deny all allegations in this  
10 paragraph that are not expressly admitted.
- 11 26. Defendants admit Trooper Schoenborn informed the person that license plate  
12 covers are illegal in Washington State. Defendants deny all allegations in this  
13 paragraph that are not expressly admitted.
- 14 27. Defendants admit Oregon plates were on the silver sedan. Defendants deny  
15 all allegations in this paragraph that are not expressly admitted.
- 16 28. Defendants deny.
- 17 29. Defendants deny.
- 18 30. Defendants deny.
- 19 31. Defendants admit that the person informed Trooper Schoenborn that they  
20 had one leg and that they were an amputee after stating “de-escalate” and  
21

“let’s de-escalate.” Defendants deny all allegations in this paragraph that are not expressly admitted.

32. Defendants admit that Trooper Schoenborn stated that he was trying to de-escalate the situation, and that Trooper Schoenborn requested the person’s license, registration, and proof of insurance. Defendants deny all allegations in this paragraph that are not expressly admitted.

33. Defendants admit that Trooper Schoenborn arrested the person after they refused to identify themselves. Defendants deny all allegations in this paragraph that are not expressly admitted.

34. Defendants admit that the person attempted to resist and failed to comply with Trooper Schoenborn’s request that they identify themselves. Defendants lack knowledge and information sufficient to form a belief about the truth of the remaining averments in this paragraph and therefor deny the same.

35. Defendants deny.

36. Defendants admit Trooper Schoenborn heard the person shout “stop touching me.” Defendants deny all allegations in this paragraph that are not expressly admitted.

37. Defendants admit Trooper Schoenborn stated “I haven’t touched you once yet” prior to placing the person under arrest. Defendants deny all allegations in this paragraph that are not expressly admitted.

1 38. Defendants admit that Trooper Schoenborn arrested the person after they  
2 refused to identify themselves. Defendants deny all allegations in this  
3 paragraph that are not expressly admitted.

4 39. Defendants admit that Trooper Schoenborn arrested the person after they  
5 refused to identify themselves. Defendants deny all allegations in this  
6 paragraph that are not expressly admitted.

7 40. Defendants deny.

8 41. Defendants admit the person stated: “you’re going to lose all qualified  
9 immunity, bro,” “don’t shove me dude—I’ve got one leg bro—be nice.”  
10 Defendants deny all allegations in this paragraph that are not expressly  
11 admitted.

12 42. Defendants lack knowledge and information sufficient to form a belief about  
13 the truth of the averments in this paragraph and therefor deny the same.

14 43. Defendants admit Trooper Schoenborn placed the person in the rear of his  
15 patrol vehicle where the person was read their Constitutional Rights.  
16 Defendants deny all allegations in this paragraph that are not expressly  
17 admitted.

18 44. Defendants admit that on March 5, 2025, the person was seated in the rear  
19 of Trooper Schoenborn’s patrol vehicle at approximately 16:33 and  
20 remained there until approximately 17:26 (except for a two-minute period  
21 during which a search occurred) whereupon the person was repositioned.



Defendants deny all allegations in this paragraph that are not expressly admitted.

45. Defendants admit the person was removed from the back of the patrol vehicle and allowed to stretch. Defendants further admit that the person was positioned in the patrol vehicle in such a manner that allowed them to stretch across the back seats. Defendants deny all allegations in this paragraph that are not expressly admitted.

46. Defendants admit the person requested to speak to a sergeant and further admit that Sergeant Hovinghoff spoke to the person. Defendants deny all allegations in this paragraph that are not expressly admitted.

47. Defendants deny.

48. Defendants admit Sergeant Hovinghoff requested that the person sign a waiver releasing WSP from liability that may result from leaving the silver sedan on the shoulder so that it may remain there until it was retrieved by a third party. Defendants deny all allegations in this paragraph that are not expressly admitted.

49. Defendants deny.

50. Defendants admit Trooper Schoenborn completed a Jail Intake Authorization Form that authorized the Klickitat County Jail to book and hold a person listed as Cameron J Wilson. Defendants further admit the jail intake form lists the “time in” as “1814 hrs” and that the criminal charge

1 upon which the arrest was made is listed as RCW 46.61.021(3), failure to  
2 identify. Defendants deny all allegations in this paragraph that are not  
3 expressly admitted.

4 51. Defendants admit that the person identified themselves as Cameron J Wilson  
5 and provided a date of birth sometime between their arrest and booking.  
6 Defendants deny all allegations in this paragraph that are not expressly  
7 admitted.

8 52. Defendants deny.

9 53. Defendants admit the person was asked questions during the booking  
10 process. Defendants deny all allegations in this paragraph that are not  
11 expressly admitted.

12 54. Defendants admit the booking occurred on March 5, 2025, which is after  
13 January 2025. Defendants lack knowledge and information sufficient to form  
14 a belief about the truth of the remaining averments in this paragraph and  
15 therefor deny the same.

16 55. Defendants admit Trooper Schoenborn stated no force was used during the  
17 arrest. Defendants deny all allegations in this paragraph that are not expressly  
18 admitted.

19 56. Defendants deny.

20 57. Defendants deny.

21 58. Defendants deny.

1 59. Defendants deny.

2 60. Defendants deny.

3 **V. CAUSES OF ACTION**

4 **FIRST CAUSE OF ACTION**

5 Fourth Amendment Violations (42 U.S.C. § 1983)

6 (Against Defendants Trooper Schoenborn and Sergeant Hovinghoff)

7 61. Defendants incorporate their responses to the preceding paragraphs  
8 incorporated by Plaintiff as if fully set forth herein.

9 62. Defendants admit the Fourth Amendment states: “The right of the people to  
10 be secure in their persons, houses, papers, and effects, against unreasonable  
11 searches and seizures, shall not be violated, and no warrants shall issue, but  
12 upon probable cause, supported by oath or affirmation, and particularly  
13 describing the place to be searched, and the persons or things to be seized.”  
14 Defendants deny all allegations in this paragraph that are not expressly  
15 admitted.

16 63. Defendants admit that 42 U.S.C. § 1983 states in part: “Every person who,  
17 under color of any statute, ordinance, regulation, custom, or usage, of any  
18 State or Territory or the District of Columbia, subjects, or causes to be  
19 subjected, any citizen of the United States or other person within the  
20 jurisdiction thereof to the deprivation of any rights, privileges, or immunities  
21 secured by the Constitution and laws, shall be liable to the party injured in

1 an action at law, suit in equity, or other proper proceeding for redress, except  
2 that in any action brought against a judicial officer for an act or omission  
3 taken in such officer's judicial capacity, injunctive relief shall not be granted  
4 unless a declaratory decree was violated or declaratory relief was  
5 unavailable." Defendants deny all allegations in this paragraph that are not  
6 expressly admitted.

7 64. Defendants admit.

8 65. Defendants deny.

9 66. Defendants deny.

10 67. Defendants deny.

11 68. Defendants deny.

## 12 **SECOND CAUSE OF ACTION**

### 13 First Amendment Violations (42 U.S.C. § 1983)

14 (Against Defendants Trooper Schoenborn and Sergeant Hovinghoff)

15 69. Defendants incorporate their responses to the preceding paragraphs  
16 incorporated by Plaintiff as if fully set forth herein.

17 70. Defendants admit the First Amendment states: "Congress shall make no law  
18 respecting an establishment of religion, or prohibiting the free exercise  
19 thereof; or abridging the freedom of speech, or of the press; or the right of  
20 the people peaceably to assemble, and to petition the Government for a  
21

1 redress of grievances.” Defendants deny all allegations in this paragraph that  
2 are not expressly admitted.

3 71. Defendants admit the “First Amendment right to film matters of public  
4 interest[.]” is clearly established. *Fordyce v. City of Seattle*, 55 F.3d 436, 439  
5 (9th Cir. 1995). Defendants further admit that the speech protected by the  
6 First Amendment may be subject to certain restrictions, like time, place, or  
7 manner. *E.g. Berger v. City of Seattle*, 569 F.3d 1029, 1036 (9th Cir. 2009).  
8 Defendants deny all allegations in this paragraph that are not expressly  
9 admitted.

10 72. Defendants deny.

11 73. Defendants deny.

12 74. Defendants deny.

### 13 **THIRD CAUSE OF ACTION**

14 Fourteenth Amendment Violations (42 U.S.C. § 1983)

15 (Against Defendants Trooper Schoenborn and Sergeant Hovinghoff)

16 75. Defendants incorporate their responses to the preceding paragraphs  
17 incorporated by Plaintiff as if fully set forth herein.

18 76. Defendants admit Section 1 of the Fourteenth Amendment states: “All  
19 persons born or naturalized in the United States, and subject to the  
20 jurisdiction thereof, are citizens of the United States and of the state wherein  
21 they reside. No state shall make or enforce any law which shall abridge the

1 privileges or immunities of citizens of the United States; nor shall any state  
2 deprive any person of life, liberty, or property, without due process of law;  
3 nor deny to any person within its jurisdiction the equal protection of the  
4 laws.” Defendants deny all allegations in this paragraph that are not  
5 expressly admitted.

6 77. Defendants deny.

7 78. Defendants deny.

8 79. Defendants deny.

9 **FOURTH CAUSE OF ACTION**

10 Americans with Disabilities Act Violations (42 U.S.C. § 12132)

11 (Against Defendants Washington State Patrol)

12 80. Defendants incorporate their responses to the preceding paragraphs  
13 incorporated by Plaintiff as if fully set forth herein.

14 81. Defendants admit that the partial quote of 42 U.S.C. § 12132 is accurately  
15 stated and that this paragraph omits the initial phrase stating: “Subject to the  
16 provisions of this subchapter . . .” Defendants deny all allegations in this  
17 paragraph that are not expressly admitted.

18 82. Defendants lack knowledge and information sufficient to form a belief about  
19 the truth of the averments in this paragraph and therefor deny the same.

20 83. Defendants admit that Washington State Patrol is a department of State  
21 government, which 42 U.S.C. § 12131(1) defines as a “public entity.”

Defendants deny all allegations in this paragraph that are not expressly admitted.

84. Defendants deny.

85. Defendants deny.

## **FIFTH CAUSE OF ACTION**

### **Assault and Battery (State law)**

(Against Defendants Trooper Schoenborn and Sergeant Hovinghoff)

86. Defendants incorporate their responses to the preceding paragraphs incorporated by Plaintiff as if fully set forth herein.

87. Defendants admit that Washington law generally follows the Restatement (Second) of Torts in its definition of assault where Section 21 states: “(1) An actor is subject to liability to another for assault if (a) he acts intending to cause a harmful or offensive contact with the person of the other or a third person, or an imminent apprehension of such a contact, and (b) the other is thereby put in such imminent apprehension.” Defendants further admit Washington law generally follows the Restatement (Second) of Torts in its definition of battery where Section 13 states: “An actor is subject to liability to another for battery if (a) he acts intending to cause a harmful or offensive contact with the person of the other or a third person, or an imminent apprehension of such a contact, and (b) a harmful contact with the person of

1 the other directly or indirectly results.” Defendants deny all allegations in  
2 this paragraph that are not expressly admitted.

3 88. Defendants deny.

4 89. Defendants deny.

5 90. Defendants deny.

6 91. Defendants deny.

7 **SIXTH CAUSE OF ACTION**

8 Intentional Infliction of Emotional Distress (State Law)

9 (Against Defendants Trooper Schoenborn and Sergeant Hovinghoff)

10 92. Defendants incorporate their responses to the preceding paragraphs  
11 incorporated by Plaintiff as if fully set forth herein.

12 93. Defendants admit that intentional infliction of emotional distress, or outrage,  
13 requires “the proof of three elements: (1) extreme and outrageous conduct,  
14 (2) intentional or reckless infliction of emotional distress, and (3) actual  
15 result to plaintiff of severe emotional distress.” *Kloepfel v. Bokor*, 149 Wash.  
16 2d 192, 195, 66 P.3d 630, 632 (2003). Defendants deny all allegations in this  
17 paragraph that are not expressly admitted.

18 94. Defendants deny.

19 95. Defendants deny.

20 96. Defendants deny.

21 97. Defendants deny.



1 98. Defendants deny.

2 99. Defendants deny.

3 100. Defendants deny.

4 **SEVENTH CAUSE OF ACTION**

5 101. Defendants incorporate their responses to the preceding paragraphs  
6 incorporated by Plaintiff as if fully set forth herein.

7 102. Defendants admit that, as explained in *Bender v. City of Seattle*, “[t]he gist  
8 of an action for false arrest or false imprisonment is the unlawful violation  
9 of a person's right of personal liberty or the restraint of that person without  
10 legal authority.” 99 Wash. 2d 582, 591, 664 P.2d 492, 499 (1983).  
11 Defendants deny all allegations in this paragraph that are not expressly  
12 admitted.

13 103. Defendants deny.

14 104. Defendants deny.

15 105. Defendants deny.

16 106. Defendants deny.

17 **EIGHTH CAUSE OF ACTION**

18 Negligent Training and Supervision (State Law)

19 (Against Defendants Trooper Schoenborn and Sergeant Hovinghoff)

20 107. Defendants incorporate their responses to the preceding paragraphs  
21 incorporated by Plaintiff as if fully set forth herein.

1 108. Defendants admit that some employers owe a duty to exercise reasonable  
2 care in training some employees, but Defendants are unable to admit all  
3 conceivable ways that this allegation may be construed and therefore deny  
4 the allegations contained herein. Defendants deny all allegations in this  
5 paragraph that are not expressly admitted.

6 109. Defendants deny.

7 **PRAYER FOR RELIEF**

8 Defendants deny Plaintiff is entitled to the relief requested or to any relief  
9 whatsoever from the Defendants. To the extent Plaintiff's Prayer for Relief sets  
10 forth any averments of fact, Defendants deny.

11 **DEMAND FOR JURY TRIAL**

12 Defendants acknowledge Plaintiff's demand that this matter is tried before a  
13 jury. To the extent Plaintiff's jury demand sets forth any averments of fact,  
14 Defendants deny.

15 **EXPRESS DENIAL AND RESERVATION OF RIGHTS**

16 Defendants deny each and every allegation in the Complaint that is not  
17 expressly admitted herein. Defendants reserve the right to amend this answer by  
18 adding affirmative defenses warranted by investigation and discovery and to make  
19 such amendments either before or during trial, including asserting other defense  
20 theories or conforming the pleadings to the proof offered at the time of trial.

1 **VI. AFFIRMATIVE DEFENSES**

2 By Way of FURTHER ANSWER and FIRST AFFIRMATIVE DEFENSE,  
3 Defendants allege:

4 1. JURISDICTION

5 The court lacks jurisdiction over the subject matter of this action.

6 2. CLAIM FILING

7 Plaintiff failed to file a claim against the State of Washington as required by  
8 RCW 4.92.100 and .110 or that the claim filed is insufficient.

9 3. COMPARATIVE FAULT

10 The injuries and damages, if any, claimed by the plaintiff were proximately  
11 caused or contributed to by the fault of Plaintiff as defined by RCW 4.22.015.

12 4. NONPARTY AT FAULT

13 The damages and/or injuries, if any, were caused by the fault of a nonparty  
14 for purposes of RCW 4.22.070(1). The identity of this nonparty who conducted  
15 Plaintiff's booking and detention is currently unknown to the defendants.

16 5. FAILURE TO STATE A CLAIM

17 Plaintiff failed to state a claim upon which relief may be granted.

18 6. GOOD FAITH

19 Defendants at all times acted in good faith in the performance of their duties  
20 and are therefore immune from suit for the matters charged in Plaintiff's complaint.

21 //

1           7.     MITIGATION OF DAMAGES

2           Plaintiff's damages, if any, are barred by the plaintiff's failure to mitigate  
3 said damages.

4           8.     ELEVENTH AMENDMENT IMMUNITY

5           The defendant, State of Washington, its agencies and agents, are not subject  
6 to civil suit for damages under the Eleventh Amendment of the Constitution of the  
7 United States.

8           9.     QUALIFIED IMMUNITY

9           The claims alleged under 42 U.S.C. § 1983 against the state employees are  
10 barred by the doctrine of qualified immunity.

11                               **VII. CONCLUSION**

12           WHEREFORE, Defendants pray that Plaintiff's Complaint be dismissed  
13 with prejudice as to the State of Washington and that Plaintiff takes nothing by his  
14 Complaint and that Defendants be allowed their costs and reasonable attorney fees  
15 herein.

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22        DEFENDANTS WASHINGTON  
STATE PATROL, DAVID  
SCHOENBORN AND SERGEANT  
HOVINGHOFF'S ANSWER TO  
PLAINTIFF'S COMPLAINT FOR  
DAMAGES AND JURY DEMAND

1 In the event this case proceeds to trial, Defendants, Washington State Patrol,  
2 David Schoenborn and Sergeant Hovinghoff demand that this case be tried to a  
3 jury.

4 DATED this 25th day of July, 2025.

5 NICHOLAS W. BROWN  
6 Attorney General

7 s/Brandon Slaven  
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DATED this 25th day of July, 2025, at Spokane, Washington.

s/Brandon Slaven  
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